



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 27, 2023

By ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Malek Mohammad Balouchzei*, 21 Cr. 658 (JMF)

Dear Judge Furman:

On April 27, 2023, the Government filed a 62-page memorandum of law in support of its motions *in limine*. See Dkt. No. 62. Defense counsel advised the Government that it objects to the length of the Government's brief. To the extent the Court's individual rules limit memoranda filed in connection with motions *in limine* to twenty-five pages, the Government respectfully seeks permission to file an oversized brief.

The Court's individual rules indicate that memoranda of law in support of motions must be no more than twenty-five pages. See J. Furman Individual Rules and Practices in Criminal Cases § 5(B). The Court's rules regarding its trial procedures and the Court's order scheduling a deadline for the parties' motions *in limine* did not specify a page limit. See *id.* § 8; see also Dkt. No. 47. To the extent that the twenty-five-page limit rule applies to the parties' motions *in limine*, the Government respectfully requests that it be permitted to file its 62-page brief for several reasons. First, the Government filed six motions in a single consolidated brief, which contributed significantly to the length of its memoranda of law, in order to efficiently present those arguments to the Court. None of the Government's individual motions exceeds the twenty-five-page limit. Second, the Government briefed each of those six motions to ensure that the Court would be aware of any issues that might be disputed by the parties in advance of trial and the parties would be able to proceed more efficiently during the trial. Third, the Government provided a significant background section, amounting to twenty-three pages, in which it laid out in detail its proof in this case, both to preview that case for the Court and to place defense counsel on notice of its anticipated evidence. Fourth, a significant portion of the Government's brief consists of photographs and excerpts from translations and transcripts, which the Government provided to ensure that the Court and defense were on notice of the types of evidence it intends to offer at trial,

and so that the Court could consider the particulars of that evidence in ruling on the Government's motions.

As a result, the Government respectfully submits that an oversized brief is necessary to comprehensively present the issues raised in its six motions *in limine* and to assist the Court in understanding the factual context and legal framework relevant to its motions, all of which will aid the Court and the parties in proceeding efficiently at trial.


Respectfully submitted,

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United States Attorney

By: /s/
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cc: Defense Counsel

The Government should have asked in advance, but the application is GRANTED *nunc pro tunc*. Given the reasons cited by the Government for the brief's length, the Court doesn't think Defendant needs as many pages for his response; any response shall not exceed 35 pages, though Defendant may seek leave for additional pages as necessary. The Clerk of Court is directed to terminate Docket No. 65. SO ORDERED.

ORDERED.

 April 28, 2023

April 28, 2023